

is so proud to serve. It was no surprise to anyone when he was awarded the 1993 Federal Executive of the Year, an outstanding and well deserved recognition for his contributions.

I am confident that I speak for many of my colleagues when I express admiration and thanks to Joe for his invaluable contributions to the United States of America and to the global scientific community. He has our best wishes and deepest gratitude for his accomplishments in his 38 years of Federal Service.●

#### EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998

● Mr. COVERDELL. Mr. President, yesterday, the Senate passed the conference report to H.R. 2646, the Education Savings and School Excellence Act of 1998 by a bipartisan vote of 59-36. With respect to the Reading Excellence provision of the bill, I wanted to state for the RECORD that there was a technical error in the report regarding the participation of private schools. I will seek to correct this technical problem when the opportunity arises to ensure the participation of private schools in the literacy program authorized under this bill.●

#### SUPREME COURT DECISION ON THE REACHBACK TAX

● Mr. CONRAD. Mr. President, the Senate has often heard me speak about the people of North Dakota, and at times I have been compelled to speak about the injustices North Dakotans have been forced to endure because of something our Federal government has done to them.

Today, the Supreme Court handed down a decision which should mark the beginning of the end for the reachback tax, which has been a terrible burden for the largest lignite producer and largest coal industry employer in our state.

This very important part of our economy was unfairly and unjustly saddled with the reachback tax under the 1992 Coal Industry Retiree Health Benefit Act. The Coal Act has been draining millions of dollars from this company every year.

The Supreme Court, while agreeing that Congress has the power to help fund retired unionized bituminous coal miners' health benefits, held that Congress did so improperly. We subjected honest, tax-paying corporate citizens to a truly onerous levy without an adequate basis for doing so. If the Senate had taken the time either in committee or in a floor debate to consider fully the scope of this reachback tax, perhaps the rebuke Congress received this morning from the Supreme Court could have been avoided.

In the opinion of the Court, the Act places a "severe, disproportionate, and extremely retroactive burden" on the reachback company that brought the action. As such, the Court held that

the tax imposition it reviewed violates the Constitution's takings clause.

In short, Mr. President, the Supreme Court has affirmed the arguments that many of us have pursued in this body for some time—namely, that Congress needs to revisit the whole problem of how to fund the health benefits for retired unionized bituminous coal miners.

Since its inception, I have fought for reform of the Coal Act. Many of my colleagues over the years have joined me in this bipartisan fight. With the impetus of today's decision by the Supreme Court, the Senate should commit itself to fixing the Coal Act soon. I am confident that we can devise a plan that assures benefits for affected retirees and their families, treats the industry fairly, and passes Constitutional muster.●

#### TRIBUTE TO JAMES EDWIN "JIMMY" WALKER

● Mr. SHELBY. Mr. President, I rise today to salute a great Alabamian and a great American whose life was cut short by war—Lieutenant James Edwin "Jimmy" Walker. I did not have the pleasure of knowing Jimmy, but many people from my home state who knew this young man have nothing but praise for him.

Born in 1913, Jimmy became one of the most outstanding athletes in the history of Holt High School. He was the captain of the football, baseball, and basketball teams, leading his small school to athletic prominence in the state. Jimmy's former high school coach and teacher described him as having "superior athletic abilities, and as being a great and popular leader." He further described Jimmy as "a joy and an inspiration to those who had the good fortune to work and play with or for him."

In 1932, Jimmy entered the University of Alabama, in Tuscaloosa, on an athletic scholarship. Throughout his three years of varsity competition, he started on both the football and basketball teams. On campus, as well as on the athletic field, Jimmy was well known, loved and respected. He was a member of the "A" Club, Alabama Quadrangle, Jason's Honorary Junior Society, Pi Gamma Alpha Fraternity, O.D.K., Cotillion Club, and the Court of Appeals of the Student Government. Notably, Jimmy was captain of the victorious Rose Bowl and national championship football team of 1935, as well as captain of the 1934 Crimson Tide Basketball team. He was an All-Conference, All-Southeastern, and All-American basketball player while remaining active on campus and successful in the classroom. Jimmy ultimately received his Bachelor of Science degree in 1935.

Jimmy continued in athletics, coaching basketball at Virginia Military Institute. As in high school, Jimmy led a small school to great heights. His teams were outstanding, consistently

ranking higher than the much larger southern schools. At the time, newspapers called his accomplishment "a coaching masterpiece."

Despite his considerable professional and personal success and his growing notoriety, Jimmy asked for a leave of absence from coaching to join the United States Navy at the start of World War II. When he became a First Lieutenant in the Navy, he told his family that he had finally "made the team." After a period of distinguished wartime service, on December 22, 1943, this Alabama sports-hero-turned-Naval-officer sadly died in South America, from wounds received while in the performance of his official duties.

Jimmy died serving his country. He was a true leader, not only on the athletic field but in all areas of life. As a coach, a student, and a military officer, he was a fine role model for those around him. His dedicated, patriotic spirit will be remembered for a long time. He truly gave his all for victory.

Today, 45 years after his untimely passing, my thoughts are with Jimmy's family and friends. His spirit will forever live on in those who knew him. Perhaps Jimmy's sister, Neta Walker Laycock, of Tuscaloosa, Alabama, captured his outstanding personality best when she said: "If you knew him, you loved him. If you didn't, you missed a treat."●

#### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 422, H.R. 4059, that all after the enacting clause be stricken, and the text of S. 2160 be inserted in lieu thereof, and the bill be amended by two conforming amendments at the desk.

##### AMENDMENTS NOS. 3045 AND 3046

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3045 and 3046, en bloc.

The amendments (Nos. 3045 and 3046) are as follows:

##### AMENDMENT NO. 3045

(Purpose: To adjust appropriations for Navy military construction, Air Force family housing construction, and Defense-Wide military construction to accommodate the authorizations of appropriations for such construction for fiscal year 1999)

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by the heading "MILITARY CONSTRUCTION, NAVY" is hereby increased by \$5,780,000.

(b) Notwithstanding any other provision of this Act, the amount appropriated by the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" is hereby decreased by \$11,000,000.

(c) Notwithstanding any other provision of this Act—

(1) the amount appropriated by the heading "FAMILY HOUSING, AIR FORCE" is hereby increased by \$5,220,000; and